



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.04.2016

Coram

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P. (MD) No.465 of 2016

S.Jaya

.. Petitioner

Vs.

1. The Superintendent of Police,
Trichy District, Trichy.

2. The Inspector of Police,
Musiri Police Station,
Trichy District.

3. V.Kumaravel

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the corpus of the Detenu namely Layamithra D/o.Kumaravel aged 4 years before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.N.Anandakumar
For RR - 1 & 2 : Mr.K.S.Duraipandian
Addl.Public Prosecutor
For R - 3 : Mr.S.Sivathilakar

ORDER

(Order of the Court was made by **A.SELVAM, J.**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to trace out and produce the detenu by name Layamithra, aged 4 years, daughter of the petitioner and third respondent.

2.The petitioner is present and she has been identified by her counsel.

3.The third respondent and detenu are present.

4.The learned counsel appearing for the third respondent has submitted certain documents, wherein it is found that the third respondent has already filed HMOP.No.316 of 2012 under Section 9 of the Hindu Marriage Act, 1955 and the same has also been allowed and subsequently, he filed GWOP.No.383 of 2016 against the petitioner for



getting legal custody of the detenu.

5.Considering the pendency of GWOP.No.383 of 2016 and also considering the relationship between the petitioner, third respondent and detenu, the relief sought in the petition cannot be granted and at the most, the petitioner can very well work out her remedy in GWOP.No.383 of 2016 and therefore, the present petition deserves to be dismissed.

6.In fine, this Habeas Corpus Petition is dismissed. The petitioner is at liberty to work out her remedy in GWOP.No.383 of 2016.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Trichy District, Trichy.
2. The Inspector of Police,
Musiri Police Station,
Trichy District.
3. The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.N.ANANDAKUMAR, ADVOCATE IN SR NO. 24895

MJ

TE/SKS-RR/ : 05/05/2016 : 2P/5C

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